

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	19-22237 CMB
Adelita Enterprises, Inc.	
Debtor(s)	Chapter 11 Proceeding
Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania	
Movant(s)	Related to Document No.
v.	Response Deadline: 8/5/2019
Adelita Enterprises, Inc.	
Respondent(s)	Hearing Date: 8/28/2019 @ 1:30 pm

**AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY
OF SECURED CREDITOR**

AND NOW, comes secured Creditor, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion for Relief from Stay of 11 U.S.C. § 362(a) and to Obtain an In-Rem Order as to the property located at 210 Birch Avenue, Mount Lebanon, PA 15228 pursuant to §362 (d)(4) and avers the following.

1. On or about June 3, 2019 Debtor(s) filed a Chapter 11 Bankruptcy Petition.
2. In Schedule A/B Debtor states that it owns real property located at 210 Birch Avenue, Mount Lebanon, PA 15228 (“property”).
3. Movant holds a security interest in the property.
4. Debtor is not Movant’s mortgagor/borrower.
5. On November 20, 2003 Sidney M. Etkins and Susan Etkins executed a Mortgage and Note (Sidney M. Etkins only executed the Note) to Citizens Bank of Pennsylvania. The Mortgage gave the lender a security interest in the property. The Mortgage was recorded in the Allegheny County Department of Real Estate on December 1, 2003 in book 26602 page 137. See Exhibit “A” attached hereto and made a part hereof.
6. Movant commenced a mortgage foreclosure action in Allegheny County on July 20, 2015, Case No. MG-15-001060.

7. Debtor is part of a scheme to delay Movant's mortgage foreclosure action. A scheme that goes back to 2015 and involves multiple deeds and multiple bankruptcy filings.
8. On August 24, 2015 Movant's mortgagor, Sidney Etkins filed a Chapter 13 bankruptcy petition, case no.15-23036 CMB. Upon the filing of that case Movant placed its mortgage foreclosure action on hold. Case no. 15-23036 CMB was dismissed on July 13, 2016.
9. Upon dismissal of case no. 15-23036 CMB, Movant resumed its mortgage foreclosure action and a sheriff's sale was scheduled for March 6, 2017. The sale was postponed September 5, 2017 after Sidney Etkins filed a second bankruptcy petition on March 6, 2017, case no. 17-20854 CMB. This case was dismissed on April 3, 2017.
10. Sidney M. Etkins and Susan M. Manning deeded the property to Village Burgers Inc. on February 23, 2017. The deed was recorded on March 21, 2017 in the Allegheny County Department of Real Estate in book 16733 page 316. See Exhibit "B" attached hereto and made a part hereof.
11. Village Burgers Inc. deeded the property to MSAMN Corp. on July 18, 2017. The deed was recorded on July 18, 2017 in the Allegheny County Department of Real Estate in book 16871 page 334. See Exhibit "C" attached hereto and made a part hereof.
12. MSAMN Corp. filed a Chapter 11 petition on August 3, 2017, case # 17-23126 CMB. That case was eventually converted to a chapter 7. This case is still open, and no discharge has been issued.
13. Movant had a mortgage foreclosure sheriff's sale scheduled for September 5, 2017. Movant was unaware of the bankruptcy filing of MSAMN Corp. and the property was offered for sale at the September 5, 2017 sheriff's sale. Upon learning of the deed to MSAMN Corp. and that MSAMN Corp. had filed bankruptcy Movant set aside that sale.
14. Movant was granted relief from the stay on October 11, 2018 in the MSAMN Corp. bankruptcy, case no.17-23126 CMB, and Movant resumed its mortgage foreclosure action.

15. MSAMN Corp. deeded the property to Adelita Enterprises, Inc. on May 31, 2019. The deed was recorded on May 31, 2019 in the Allegheny County Department of Real Estate in book 17638 page 11. See Exhibit “D” attached hereto and made a part hereof.
16. Movant had a sheriff’s sale scheduled for June 3, 2019. This sale was postponed to September 3, 2019 when Movant learned that the property had been deeded to Adelita Enterprises, Inc. and that Adelita Enterprises, Inc. had filed the current bankruptcy petition on June 3, 2019.
17. The above history of multiple deeds and repeated bankruptcy filings since August 24, 2015 demonstrates a “scheme to delay, hinder, and defraud” Movant.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

1. That Relief from the Automatic Stay be granted to Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania so that Movant may proceed with the foreclosure action and to obtain all other Relief available under Non-Bankruptcy Law; and
2. That Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania is granted in rem relief for a period of one hundred eighty (180) days as to the property located at 210 Birch Avenue, Mount Lebanon, PA 15228 pursuant to 11 U.S.C.A. section 362 (d)(4). Any future bankruptcy petitions filed by any party within one hundred eight (180) days of the date of the Order granting relief will not stay Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania from proceeding with the mortgage foreclosure action with regard to the property located

at 210 Birch Avenue, Mount Lebanon, PA 15228.

RESPECTFULLY SUBMITTED,

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Dated: July 19, 2019